

AUG 16 2010

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**ANTHONY T. STEWART,**  
**Petitioner,**

**V.**

**DANIEL T. MAHON, WARDEN,  
Respondent.**

**Civil Action No. 7:10cv00207**

## FINAL ORDER

**By: Samuel G. Wilson**  
**United States District Judge**

In accordance with the Memorandum Opinion entered this day, it is **ORDERED** and **ADJUDGED** that respondent's motion to dismiss is **GRANTED**, petitioner's petition is **DISMISSED**, and this action is **STRICKEN** from the court's docket.

The court finds that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1) and **DENIES** a certificate of appealability.

**ENTER:** August 16, 2010.

UNITED STATES DISTRICT COURT